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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,996	12/15/2004	Rex William Francis	4977-00007	7258
26753	7590	01/30/2006	EXAMINER	
ANDRUS, SCEALES, STARKE & SAWALL, LLP 100 EAST WISCONSIN AVENUE, SUITE 1100 MILWAUKEE, WI 53202			OLSON, LARS A	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/517,996

Applicant(s)

FRANCIS, REX WILLIAM

Examiner

Lars A. Olson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12152004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

1. A preliminary amendment was received from the applicant on December 15, 2004.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by van den Haak (US 4,706,595).

Van den Haak discloses the same anchor as claimed, as shown in Figures 5d-e, that is comprised of a first fluke or base member, defined as Part #3, an elongated shank member, defined as Part #2, that is fixedly attached to said first fluke member, said shank member being adapted to receive at least one anchor line by means of Part #8, and a second fluke, defined as Part #21, that is adapted to be fixedly connected to said shank member, where said second fluke is spaced apart from said first fluke, as shown in Figure 5d, said second fluke is disposed substantially parallel to said first fluke, and said second fluke is smaller than said first fluke.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over van den Haak in view of Francis (US 5,970,902).

Van den Haak, as set forth above, discloses all of the features claimed except for the use of a first fluke formed from two opposed triangular wing members, a down-turned leading end portion of said wing members, and semi-circular stabilizing means that is releasably attachable to said first fluke.

Francis discloses an anchor, as shown in Figures 1-3, that is comprised of a fluke or base member, defined as Part #2, that is formed from two opposed triangular wing members, defined as Parts #3 and 4, a down-turned leading end portion, defined as Part #6, of said wing members, an elongated shank member, defined as Part #20, and a semi-circular stabilizing means, defined as Part #30, that is releasably attached to said fluke member.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a fluke member comprised of two opposed triangular wing members each with a down-turned leading end portion, and a semi-circular stabilizing means, as taught by Francis, in combination with the anchor as disclosed by van den Haak for the purpose of providing an anchor with a fluke having an improved

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ground-penetrating shape, and a stabilizing means to assist in self-righting of said anchor.

***Allowable Subject Matter***

6. Claims 4-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McCabe (US 6,082,284) shows the use of an anchor that includes a pair of wings that are attached to an elongated shank member, said wings being disposed in parallel to a fluke member. Ivcevic (US 5,469,802) discloses an anchor having a first fluke member and a smaller second fluke member.

8. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (571) 272-6685.

lo

January 23, 2006

LARS A. OLSON  
PRIMARY EXAMINER

  
1/23/06